

1 YI LIN ZHENG, ESQ.  
Nevada Bar No. 10811  
2 VEGAS GOLDEN LAW  
2801 S Valley View Blvd, Ste 16  
3 Las Vegas, NV 89102  
Phone (702) 385-7170  
4 Email: vegasgoldenlaw@gmail.com  
Attorney for Defendant- Tyrone Davis  
5

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 TYRONE DAVIS,

13 Defendant.  
14

Case No. 2:12-cr-00289-JCM-VCF

**STIPULATION TO CONTINUE  
RESENTENCING**  
(First Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason  
16 Frierson, United States Attorney, and Lisa Cartier-Giroux, Assistant United  
17 States Attorney, counsel for the United States of America, and Yi Lin Zheng,  
18 counsel for Tyrone Davis, that the resentencing hearing currently scheduled for  
19 August 5, 2022 be vacated and set to a date and time convenient to this Court, but  
20 no sooner than thirty (30) days.

21 The Stipulation is entered into for the following reasons:

22 1. The parties need additional time to prepare for resentencing. U.S.  
23 Probation will need to recalculate Mr. Davis's guideline range, the parties will need  
24 time to review the revised PSR, and formulate appropriate sentencing arguments.  
25  
26

1           2.       The government informed undersigned counsel that Mr. Davis is still  
2 in transit to this district. Once Mr. Davis arrives, undersigned counsel will need  
3 time to meet with Mr. Davis and prepare him for resentencing.

4           3.       The parties agree to the continuance.

5           4.       The additional time requested herein is not sought for purposes of  
6 delay, but merely to allow counsel for defendant sufficient time within which to be  
7 able to effectively and complete investigation of the discovery materials provided.

8           5.       Additionally, denial of this request for continuance could result in a  
9 miscarriage of justice. The additional time requested by this Stipulation is  
10 excludable in computing the time within which the trial herein must commence  
11 pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
12 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
13 3161(h)(7)(B)(i), (iv).

14           This is the first stipulation to continue filed herein.

15           DATED: July 20, 2022.

16  
17                               JASON FRIERSON  
United States Attorney

18  
19           By: /s/ Yi Lin Zheng.  
20           Yi Lin Zheng  
Counsel for Tyrone Davis

21           By: /s/ Lisa Cartier-Giroux.  
22           Lisa Cartier-Giroux  
23           Assistant United States Attorney  
24  
25  
26

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 TYRONE DAVIS ,

8 Defendant.  
9

Case No. 2:12-cr-00289-JCM-VCF

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER

10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing  
12 therefore, the Court finds that:

13 1. The parties need additional time to prepare for resentencing. U.S.  
14 Probation will need to recalculate Mr. Davis's guideline range, the parties will need  
15 time to review the revised PSR, and formulate appropriate sentencing arguments.  
16

17 2. The government informed undersigned counsel that Mr. Davis is still  
18 in transit to this district. Once Mr. Davis arrives, undersigned counsel will need  
19 time to meet with Mr. Davis and prepare him for resentencing.

20 3. The parties agree to the continuance.

21 4. The additional time requested herein is not sought for purposes of  
22 delay, but merely to allow counsel for defendant sufficient time within which to be  
23 able to effectively and complete investigation of the discovery materials provided.

24 5. Additionally, denial of this request for continuance could result in a  
25 miscarriage of justice. The additional time requested by this Stipulation is  
26 excludable in computing the time within which the trial herein must commence

1 pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
2 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section  
3 3161(h)(7)(B)(i), (iv).

4 **CONCLUSIONS OF LAW**

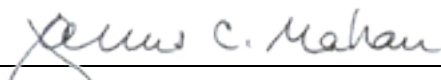
5 The ends of justice served by granting said continuance outweigh the best  
6 interest of the public and the defendant in a speedy trial, since the failure to grant  
7 said continuance would be likely to result in a miscarriage of justice, would deny  
8 the parties herein sufficient time and the opportunity within which to be able to  
9 effectively and thoroughly prepare for trial, taking into account the exercise of due  
10 diligence.

11 The continuance sought herein is excludable under the Speedy Trial Act,  
12 Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the  
13 factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

14 **ORDER**

15 IT IS THEREFORE ORDERED that the resentencing hearing scheduled for  
16 August 5, 2022 at 11:00 AM is vacated and continued to **September 14, 2022, at**  
17 **10:00 a.m.**

18 DATED: July 22, 2022

19  
20  
21   
22 UNITED STATES DISTRICT JUDGE